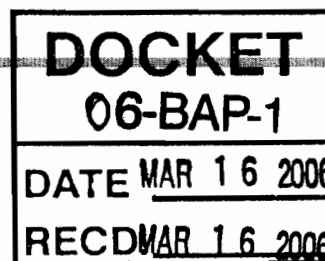


**Docket Optical System - Docket 06-BAP-1**

**From:** <Kay4bioenergy@aol.com>  
**To:** <docket@energy.state.ca.us>  
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The BioEnergy Producers Association would like to offer the following comments on the *"Draft Consultant Report: Recommendations for a Bioenergy Action Plan for California,"* Section 6 (Recommendations), Recommended Tier 1 Actions for 2006:

Item 1 (e)-- direction to the California Energy Commission

The first recommendation directs the CEC, in conjunction with the California Biomass Collaborative and US DoE, to fund demonstration and pilot projects that prove the commercial readiness of biofuels technologies using lignocellulosic feedstocks. While this is a positive step, member companies in the BioEnergy Producers Association are prepared to demonstrate the commercial readiness of biomass-to-ethanol plants in California with private risk capital if existing regulatory and institutional barriers are resolved. The CEC could greatly facilitate the development of a viable E-85 infrastructure in the State by identifying the GIS locations of existing aggregate sources of lignocellulosic biomass (agricultural, municipal, and forestry) in relation to major interstate highways as potential locations for biomass-to-ethanol production and fueling station/distribution centers. Since hydrogen can be produced from ethanol, these facilities could serve as a viable vanguard platform for the proposed Hydrogen Highway. In addition, the CEC should be encouraged to play an active role in concurrent coordination efforts with the major automakers to mass-produce E-85 vehicles for California.

Item 1 (g) --direction to the California Integrated Waste Management Board (CIWMB)

The first recommendation under this section is that the CIWMB be directed to revise the existing statutory definition for "transformation," recommend a new "conversion technology" definition, and review definitions for other conversion technologies and "manufacturing." If the CIWMB had the power to make these changes, they probably would already be in place. However, the CIWMB is itself a creature of statute, and only the Legislature can make the changes you suggest. Perhaps, therefore, it would be more appropriate to utilize the introductory phrase applied in the second recommendation, namely, "Work to enact amendments to existing law to revise....." Also, since this issue is listed as a major impediment to CA waste conversion technology and biorefinery development earlier in the report (pp.23-24), and since legislation is required to accomplish this end, should this recommendation not be included among the "key legislative initiatives" under Item 3 (see below)?

Something that *is* under CIWMB's scope of authority is the promulgation of regulations for the permitting and operation of biomass waste conversion facilities. Such regulations have been pending for over 2 years. Under current rules, a biorefinery reliant on biomass waste feedstocks would face significant permitting hurdles in CA, similar to that of a solid waste landfill. A third recommendation to consider under this section, therefore, is direction to the CIWMB to develop a regulatory framework for these technologies that clearly distinguishes them from disposal and provides clear permitting pathways for their development.

Item 3 -- Key Legislative Initiatives

The Draft Report acknowledges, on pages 23-24, that definitional problems in current statute and the lack of diversion credit incentives constitute major impediments to biomass conversion technology projects (a conclusion also reached in the 1999 CEC Biomass-to-Ethanol Potential report). This problem is not limited to MSW, but also affects projects proposing to utilize agricultural waste feedstocks. The Report specifically mentions AB 2118 as a potential vehicle for resolution of these issues. Recognizing that legislative solutions are urgently needed to enable and expedite project development in the State, it would seem appropriate to list these statutory changes as a separate item under "key legislative initiatives."

Thank you for the opportunity to comment.

Kay Martin, Vice President  
BioEnergy Producers Association  
[www.BioEnergyProducers.org](http://www.BioEnergyProducers.org)  
[kay4bioenergy@aol.com](mailto:kay4bioenergy@aol.com)